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4 ATTORNEYS FOR
5 JAIMEE BRUNO

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 JAIMEE BRUNO, a minor, by and)
11 through her Guardian Ad Litem, DENISE) Case No. 07-C-02179 JF
12 BRUNO,)
13 Plaintiff,)
14 vs.) CERTIFICATION THAT SETTLEMENT
15 SAN JOSE UNIFIED SCHOOL) CONSIDERATION HAS NOT BEEN
16 DISTRICT and DOES 1-50,) DELIVERED AND REQUEST TO
17 Defendants.) VACATE ORDER OF DISMISSAL
18)
19) JUDGE: HON. JEREMY FOGEL
20) COURTROOM: 3
21)
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28)

The court entered a conditional order of dismissal following the settlement of the above matter on January 4, 2008. The agreed consideration for that settlement has not been delivered. Plaintiff hereby requests that the court vacate the order of dismissal and set the matter back on the calendar.

Date: 3-14-2008

DIEMER, WHITMAN & CARDOSI, LLP

By: /s/
JOHN P. CARDOSI
Attorneys for plaintiff

CERTIFICATION THAT SETTLEMENT
CONSIDERATION HAS NOT BEEN DELIVERED
AND REQUEST TO VACATE ORDER OF DISMISSAL

1
2 I, John P. Cardosi, declare under penalty of perjury under the laws of the United States that
3 the foregoing is true and correct. Executed by me on March 14, 2008 at San Jose, CA
4

5 _____/s/
6 JOHN P. CARDOSI
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8 3/17/08 IT IS SO ORDERED. A Status Conference is scheduled for Friday, April 4, 2008 at 10:30 AM.
9 Please report at that time to Courtroom 3 on the 5th floor of the US District Courthouse.
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12 US District Court Judge, Jeremy Fogel
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CERTIFICATION THAT SETTLEMENT
CONSIDERATION HAS NOT BEEN DELIVERED
AND REQUEST TO VACATE ORDER OF DISMISSAL

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Case Name: Bruno v. San Jose Unified

Case No.: 07-C-02179 JF

Hearing: None

8 **CERTIFICATE OF SERVICE**

10 I declare that I am employed in the County of Santa Clara, California; I am over the age of 18
11 years, and not a party to the within entitled cause; my address is 75 East Santa Clara Street, Suite 290,
San Jose, California 95113.

12 On 3-14-2008, I served a copy of:

14 CERTIFICATION THAT SETTLEMENT CONSIDERATION HAS NOT BEEN
15 DELIVERED AND REQUEST TO VACATE ORDER OF DISMISSAL

16 BY MAIL, OR AS OTHERWISE NOTED, by placing a true copy thereof enclosed in a sealed
envelope addressed to:

17 David E. Lyon
18 Ruiz & Sperow, LLP
19 Watergate Tower III
20 2000 Powell Street, Suite 1655
Emeryville, CA 94608

21 I am familiar with the firm's practice for collecting and processing of correspondence for
22 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with
23 postage thereon fully prepaid at San Jose, California, in the ordinary course of business. I am aware that
24 on motion of the party served, service is presumed invalid if postal cancellation date or postage meter
date is more than one day after the date of deposit for mailing in affidavit.

25 I declare under penalty of perjury, under the laws of California, that the foregoing is true and
correct. Executed on March 14, 2008, at San Jose, California.

27 /S/
John P. Cardosi

28 CERTIFICATION THAT SETTLEMENT
CONSIDERATION HAS NOT BEEN DELIVERED
AND REQUEST TO VACATE ORDER OF DISMISSAL